

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

TOBIAS REID,)	CASE NO. 1:07 CV 623
)	
Plaintiff,)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
U-STORE-IT,)	<u>AND ORDER</u>
)	
Defendant.)	

On March 2, 2007, plaintiff pro se Tobias Reid filed this in forma pauperis action under 42 U.S.C. § 1983 against U-Store-It. The complaint alleges that plaintiff leased storage space from defendant, and that one of the units leased was broken into. Plaintiff filed an insurance claim concerning the incident. It is further alleged that "defendant locked plaintiff's units #121 and #500, citing violation of lease agreement, causing plaintiff irreparable harm." For the reasons stated below, this action is dismissed pursuant to 28 U.S.C. § 1915(e).

In Parratt v. Taylor, 451 U.S. 527, 535 (1981), the Supreme Court stated that "the initial inquiry [in a section 1983 action] must focus on whether the two essential elements ... are present: (1) whether the conduct complained of was committed by a person acting under color of state law; and (2) whether this conduct deprived a person of rights, privileges, or immunities secured by the Constitution or laws of the United States."]

Plaintiff does not meet the threshold requirement in Parratt, as there is no reasonable

suggestion, despite plaintiff's bald assertion to the contrary, that defendant acted under color of state law. Further, there are no facts set forth in the complaint suggesting any other potential basis for this court's jurisdiction, as the parties are both located in Ohio and no federal statute is implicated by plaintiff's claim. This action is therefore appropriately subject to dismissal under section 1915(e). Lowe v. Hustetler, No. 89-5996, 1990 WL 66822 (6th Cir. May 21, 1990).

Accordingly, the request to proceed in forma pauperis is granted and this action is dismissed under section 1915(e). Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE